

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL EDWARD DURAN,

Plaintiff,

v.

M. ROSS,

Defendant.

Case No. 1:21-cv-01096-HBK (PC)

ORDER REFERRING CASE TO EARLY
ADR AND STAY OF CASE

DEADLINE TO OPT OUT DUE BY:

January 9, 2024

Plaintiff Paul Edward Duran is a state prisoner proceeding pro se and *in forma pauperis* on his First Amended Complaint brought pursuant to 42 U.S.C. § 1983. (Doc. No. 8). As set forth in the Court's July 25, 2023 Screening Order, Plaintiff's First Amended Complaint stated only a cognizable Eighth Amendment excessive use of force claim against Defendant Ross, on which Plaintiff agrees to proceed. (Doc. Nos. 10, 12). On November 8, 2023, Defendant Ross filed an Answer to the First Amended Complaint. (Doc. No. 18).

The Court refers all civil rights cases filed by pro se individuals to early Alternative Dispute Resolution (ADR) to try to resolve such cases more expeditiously and less expensively. *See also* Local Rule 270. In appropriate cases, defense counsel from the California Attorney General's Office have agreed to participate in early ADR. No claims, defenses, or objections are waived by the parties' participation.

1 Attempting to resolve this matter early through settlement now would save the parties the
2 time and expense of engaging in lengthy and costly discovery and preparing substantive
3 dispositive motions. The Court therefore will STAY this action for 60 DAYS to allow the parties
4 an opportunity to investigate Plaintiff's claims, meet and confer, and engage in settlement
5 discussions, or agree to participate in an early settlement conference conducted by a magistrate
6 judge. If after investigating Plaintiff's claims and meeting and conferring, either party finds that a
7 settlement conference would be a waste of resources, the party may opt out of the early settlement
8 conference.

9 Accordingly, it is **ORDERED**:


10 1. This action will remain **STAYED until further order** to allow the parties an
11 opportunity to settle their dispute. The parties may not file other pleadings or motions during the
12 stay period. Further, the parties shall not engage in formal discovery until the Court issues a
13 Scheduling and Discovery Order.

14 2. **Within 60 days** from the date on this Order, or no later than January 9, 2024, the
15 parties shall file a notice if they object to proceeding to an early settlement conference or if they
16 believe that settlement is not currently achievable.

17 3. If neither party has opted out of settlement by the expiration of the objection
18 period, the Court will assign this matter by separate Order to a United States Magistrate Judge,
19 other than the undersigned, for conducting the settlement conference.

20 4. If the parties reach a settlement prior to the settlement conference, they SHALL
21 file a Notice of Settlement as required by Local Rule 160

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23 Dated: November 9, 2023

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25 HELENA M. BARCH-KUCHTA
26 UNITED STATES MAGISTRATE JUDGE
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